

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-18804-2020

Date of Decision: 04.08.2020

Jagdev Singh @ Jaggi

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present: - Mr. Amaninder Preet, Advocate for the petitioner.

Mr. Ramandeep Sandhu, DAG, Punjab.

MEENAKSHI I. MEHTA, J. (ORAL)

Case has been taken up for hearing through video conferencing due to outbreak of pandemic Covid-19.

By way of instant petition, petitioner named Jagdev Singh @ Jaggi, has sought the relief of bail in the case arising out of FIR No. 73 dated 20.11.2019 registered at Police Station Tallewal, District Barnala, under Sections 376-D, 376(2)(a) and 376C read with Section 34 IPC, at the instance of the prosecutrix, wherein she has alleged that the police party, headed by ASI Baldev Singh, had taken her to Rajindra Hospital, Patiala, on the pretext of recording the statement of the injured in connection with the investigation of the case got registered by her, under Sections 459 and 307 read with Section 34 IPC and Section 25 of the Arms Act at Police Station Tallewal. While returning from there, she was served a cold drink and on consuming the same, she got intoxicated and then, ASI Baldev Singh and his

co-accused-Tarun Kumar, raped her.

Mr. Ramandeep Sandhu, DAG, Punjab, has appeared on behalf of respondent-State, in pursuance of the advance notice issued to the respondent.

Heard the arguments on the present petition.

Learned counsel for the petitioner contends that even while lodging the FIR, the prosecutrix had not levelled any allegation against the petitioner regarding his having committed rape on her and while deposing before the learned trial Court also, she did not support the version of the prosecution qua the petitioner. Rather, she deposed that she had identified the petitioner at the police station, while he was alone there and the name of petitioner had been disclosed to her by the police official. He further contends that even the report of the Forensic Expert regarding DNA examination does not reflect anything to suggest the involvement of the petitioner in the alleged commission of offence. He has also pointed out that co-accused of the petitioner, namely Tarun Kumar, has already been granted the relief of bail by a co-ordinate Bench, on the grounds that the report of the DNA examination did not implicate him with the commission of offence in any manner and the prosecutrix, while appearing in the witness-box in the trial Court, had not supported the allegations of prosecution against him and he contends that it being so, the present petitioner also deserves the relief of bail on the ground of parity.

Learned State counsel has not disputed or rebutted any of the afore-discussed facts.

Keeping in view all the afore-discussed facts and circumstances and without expressing any opinion on the merits of this case, it is ordered

that the petitioner be released on regular bail, subject to his furnishing the requisite bail bonds/surety bonds, to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

The instant petition is allowed.

August 04, 2020
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(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned **Yes/No**

Whether Reportable **Yes/No**